

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.6.2215 pertaining to exotic)
species classification)

TO: All Concerned Persons

1. On September 2, 2016, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-464 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1501 of the 2016 Montana Administrative Register, Issue Number 17.

2. The commission has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.6.2215 LIST OF PROHIBITED SPECIES (1) through (3) remain as proposed.

(4) The following mammals are classified as prohibited species:

(a) remains as proposed.

(b) Aotidae Family (Night and Owl Monkeys);

(b) remains as proposed but is renumbered (c).

(d) Atelidae Family (Howlers and Spider Monkeys);

(c) through (j) remain as proposed but are renumbered (e) through (l).

(m) Pitheciidae Family (Titis and Saki Monkeys);

(k) through (p) remain as proposed but are renumbered (n) through (s).

(5) through (7) remain as proposed.

AUTH: 87-5-704, 87-5-705, 87-5-712, MCA

IMP: 87-5-707, 87-5-708, 87-5-711, 87-5-712, MCA

3. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT 1: The commission received three comments in general support of the classification of the Callitrichidae Family in order to protect our ecosystems, native species, and human health and safety.

RESPONSE 1: The commission appreciates the participation and support in this rulemaking process.

COMMENT 2: The commission received one comment in general support of the classification of the Callitrichidae Family that also brought to light the issue that there may be some families of primates that are inadvertently excluded from being

classified as they used to be under the family Cebidae but now have new family names.

RESPONSE 2: In 2009, the scientific community accepted the creation of three new taxonomic families of primates from Cebidae: Aotidae, Atelidae, and Pitheciidae. Members of these families were classified by the commission as prohibited in 2006 when those species were under Cebidae. This comment brought to light the issue that they now need to be included under their new family names. The commission has amended the proposal to include these new family names.

COMMENT 3: One comment was received opposing the classification in order to protect these primates from being taken from their owners and placed in worse conditions.

RESPONSE 3: The Department of Fish, Wildlife and Parks does not have any record of any members of the Callitrichidae Family existing in Montana.

COMMENT 4: One comment was received opposing the prohibited classification, and suggested a strict screening process in order to own one instead.

RESPONSE 4: The commission believes that the dangers and risks of owning these species justify prohibiting them completely. Also, "screening" of persons wishing to own a primate of this family is beyond the scope of FWP's authority.

COMMENT 5: One comment was received opposing all small primate and monkey prohibition classifications because they could not breed or survive in Montana winters and therefore the prohibitions are useless.

RESPONSE 5: The commission believes the prohibition is required as the risk of the members of the Callitrichidae Family is danger to humans when these species are in captivity as they have a nervous disposition and can become aggressive after sexual maturity.

/s/ William Schenk
William Schenk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State November 28, 2016